

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CLERK OF COURT
P.O. Box 61010
HOUSTON, TEXAS 77208

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Sugentino Percel
FEDERAL TRANSFER CENTER
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P.O. BOX 898801
OKLAHOMA CITY OK US 73189

**United States District Court
Southern District of Texas
RECEIVED**

JUN 05 2012

Clerk of Court

Case: 4:06-cr-00089 Instrument: 566 (32 pages)
Date: Jun 22, 2012
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

USA

v.

Sugentino Percel

§
§
§
§
§
§

CASE NUMBER: 4:06cr89-4
District Judge: Melinda Harmon
Court Reporter(s):

NOTICE OF THE FILING OF AN APPEAL

In connection with this appeal, instrument # 564, filed by Sugentino Percel, a copy of the notice of appeal, the order being appealed and the docket sheet are attached.

In regard to this appeal:

- A motion to proceed in forma pauperis is pending.
- Hearings were held in the case - transcripts were produced.
- Previous Notices of Appeal filed and assigned USCA 07-20236 & 09-20752.

David Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

USA

v.

Sugentino Percel

§
§
§
§
§
§

CASE NUMBER: 4:06cr89-4
District Judge: Melinda Harmon
Court Reporter(s):

NOTICE OF THE FILING OF AN APPEAL

In connection with this appeal, instrument # 564, filed by Sugentino Percel, a copy of the notice of appeal, the order being appealed and the docket sheet are attached.

In regard to this appeal:

- A motion to proceed in forma pauperis is pending.
- Hearings were held in the case - transcripts were produced.
- Previous Notices of Appeal filed and assigned USCA 07-20236 & 09-20752.

David Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

JUN 21 2012

David J. Bradley, Clerk of Court

SUGENTINO PERCEL

Petitioner,

vs.

Criminal No.: H-06-89-4

Civil No.: H-10-1394

UNITED STATES OF AMERICA

Respondent.

NOTICE OF APPEAL

COMES NOW, Petitioner Sugentino Percel with his Notice of Appeal pursuant to Rule 4(c), of the Federal Rules of Appellate Procedure, on the District Court's Order entered on May 3, 2012. (D.E. 561)

Dated this 18th day of June 2012.

Sugentino Percel
Sugentino Percel
Register No.: 39433-179
Oklahoma FTC
P.O. Box 898801
Oklahoma City, Ok 73189

CERTIFICATE OF SERVICE

I hereby do certify that a true and correct copy of this motion was mailed to: AUSA John Berry, 919 Milam Street, Suite # 1500, Houston, TX 77002 via first class mail via the Federal Bureau of Prisons Legal Mail System.

Done this 18th day of June 2012

Sugentino Percel
Sugentino Percel
Register No.: 39433-179
Oklahoma FTC
P.O. Box 898801
Oklahoma City, Ok 73189

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States District Court
Southern District of Texas
FILED

JUN 21 2012

David J. Bradley, Clerk of Court

Sugentino Percel)	
Plaintiff/Petitioner)	
v.)	Civil Action No. 10-1394
United States)	
Defendant/Respondent)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: Oklahoma Transfer Station

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____, and my take-home pay or wages are: \$ _____ per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(c) Pension, annuity, or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(d) Disability, or worker's compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(e) Gifts, or inheritances	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(f) Any other sources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.00 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:
None

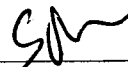
6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:
None

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:
None

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:
None

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 06/14/2012



Applicant's signature

Sugentino Percel

Printed name

Argentino Perez
39433-179
Oklahoma FTC
Box 898801
Oklahoma City, OK 73189

United States District Court
Southern District of Texas
FILED
JUN 21 2012
David J. Bradley, Clerk of Court

Texas Southern District Court
PO Box 61010
Houston, Texas 77002-2600

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MIAMI FL 331



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. H-06-89-4
	§	
SUGENTINO PERCEL	§	
(CA H-10-1394)	§	

ORDER

On April 27, 2012, this Court held an evidentiary hearing to determine the credibility of conflicting testimony presented by Movant Sugentino Percel and Respondent the United States of America in their respective briefs and motions regarding Percel's § 2255 motion to vacate, set aside, or correct sentence. Doc. 499.

Background

Percel filed a § 2255 motion on April 26, 2010, asserting that his counsel at his criminal trial was constitutionally ineffective for failing to interview codefendants who would have offered allegedly exculpatory testimony, failing to advise him how his sentence would be calculated thus rendering his plea involuntary, failing to adequately inform him of the benefits of a guilty plea under the Federal Sentencing Guidelines and the Government's offer of a recommendation for a reduced sentence, failing to object to improper jury instructions, failing to prepare him adequately to testify at trial, and for the cumulative impact of his counsel's errors. Doc. 499. The United States filed a motion to dismiss (Doc. 518). The motion was referred to Magistrate Judge Stacy who recommended that the motion be granted on September 26, 2011. Doc. 546. Percel objected to Judge Stacy's recommendation. Doc. 548.

The Court adopted Magistrate Judge Stacy's recommendation as its own "except that

portion dealing with Percel's allegations of ineffective assistance of counsel for counsel's failure to counsel Percel on the benefits of a guilty plea and inform him of the Government's offer for a 48 month sentence recommendation." Doc. 553 at 2. The Magistrate Judge relied on the affidavit testimony of Percel's former counsel, Ivan Lopez de Victoria, that he fully informed Percel about "the Sentencing Guidelines, about the acceptance of responsibility and safety valve provisions and the advantages of pleading guilty, specifically that he did not have any prior criminal record, he could benefit from the provisions and qualify for the 48-month imprisonment with the recommendation of the U.S. Government." Doc. 534 at 1. The Court found that conflicting affidavit testimony submitted by Percel disputing whether Lopez de Victoria informed Percel of the existence of a plea deal or counseled him and his family on the benefits of pleading guilty created a disputed issue of fact. Doc. 553 at 5. The Court therefore ordered an evidentiary hearing to determine the credibility of the declarants.

At the April 27, 2012 hearing, the Court heard testimony from Sugentino Percel, his former counsel Ivan Lopez de Victoria, Percel's brother Andres Percel, Percel's sister Minelva Percel, and Percel's girlfriend Yohanny Perez.

Findings

At the evidentiary hearing, Percel, his brother, his sister, and his girlfriend all offered testimony that Mr. Lopez de Victoria failed to inform them of the offer of a plea bargain by the United States, failed to inform them of the benefits of pleading guilty under the federal sentencing guidelines, and provided misleading or untrue counsel regarding Percel's likelihood of success at trial. Ivan Lopez de Victoria offered conflicting testimony that he did, in fact, inform Percel of the offer of a plea bargain by the United States, vigorously counseled him to accept that plea agreement, informed him of the likelihood that he would be convicted if he

proceeded to trial, and pressed upon Percel's family members to encourage Percel to plead guilty and accept the offer of a plea agreement.

After hearing the testimony presented by all witnesses, the Court issued a ruling from the bench that it found Percel's testimony not credible, and the testimony of Ivan Lopez de Victoria credible. The credible evidence before the Court indicates that Mr. Lopez de Victoria informed Percel of the existence of an offer of a plea bargain, counseled him to accept that offer, and informed him of the benefits of pleading guilty under the federal system. The Court agrees with Magistrate Judge Stacy that Percel did not receive ineffective assistance of counsel within the meaning of *Strickland v. Washington*, 466 U.S. 668 (1984). The Court adopts Magistrate Judge Stacy's memorandum and recommendation as its own. It is hereby

ORDERED that the United States' motion to dismiss (Doc. 518) is **GRANTED** and Sugantino Percel's § 2255 motion to vacate, set aside, or correct sentence (Doc. 499) is **DENIED**.

SIGNED at Houston, Texas, this 3rd day of May, 2012.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE

APPEAL, INTERPRETER

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:06-cr-00089-4
Internal Use Only**

Case title: USA v. Hernandez et al
Magistrate judge case number: 4:06-mj-00140

Date Filed: 03/21/2006
Date Terminated: 03/27/2007

Assigned to: Judge Melinda Harmon

Defendant (4)

Sugentino Percel
TERMINATED: 03/27/2007

represented by **Sugentino Percel**
39433-179
OKLAHOMA CITY
FEDERAL TRANSFER CENTER
Inmate Mail/Parcels
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ivan R Lopez de Victoria
Attorney at Law
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Fax: 713-334-3252
Email: lodevi@sbcglobal.net
TERMINATED: 01/05/2007
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Designation: Retained

L Chris Iles
L Chris Iles PC

American Bank Plaza
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Corpus Christi, TX 78401
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Fax: 866-565-5343
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Designation: CJA Appointment

Steven Jay Rozan
State Bar Information/5th Circuit
Information
2777 Allen Pkwy
10th Floor
Houston, TX 77019
713-627-3608
TERMINATED: 12/29/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
CONTROLLED SUBSTANCE
(1)

AIDING AND ABETTING WITH
INTENT TO DISTRIBUTE
CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR DISPENSE
(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Deft is committed to the custody of the BOP to be imprisoned for a term of 151 months as to each of ct 1 and ct 2, concurrent; 5 yrs Supervised Release as to each of cts 1 & 2, concurrent; \$200.00 Special Assessment; \$17,500.00 Fine. Right to appeal explained on the record.

Deft is committed to the custody of the BOP to be imprisoned for a term of 151 months as to each of ct 1 and ct 2, concurrent; 5 yrs Supervised Release as to each of cts 1 & 2, concurrent; \$200.00 Special Assessment; \$17,500.00 Fine. Right to appeal explained on the record.

Disposition

Highest Offense Level (Terminated)

None

Complaints

Defts knowingly and intentionally combine, conspire, confederate, and agree with others, known and unknown to possess with intent to distribute a controlled substance. This violation involved five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance; In violation of 21 USC 846, 841(a)(1), & 841(b)(1)(A)(ii), 21:846=CD.F

Disposition

Deft is committed to the custody of the BOP to be imprisoned for a term of 151 months as to each of ct 1 and ct 2, concurrent; 5 yrs Supervised Release as to each of cts 1 & 2, concurrent; \$200.00 Special Assessment; \$17,500.00 Fine. Right to appeal explained on the record.

Plaintiff

USA

represented by **James L Turner**
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US Marshal - H

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Designation: Retained

Date Filed	#	Docket Text
02/23/2006	<u>1</u>	Cr. COMPLAINT as to Bonifacio Hernandez (1), Juan Escobar (2), Leon DeLeon (3), Sugentino Percel (4), Eric Vasquez (5), Leonardo Garcia (6), Jesus Osorio (7), German Arias (8), filed. (mlerma,) [4:06-mj-00140] (Entered: 02/27/2006)
02/23/2006	<u>18</u>	ORDER OF TEMPORARY Detention pending hearing as to Bonifacio Hernandez, Juan Escobar, Leon DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Garcia, Jesus Osorio, German Arias; to be committed to the custody of the United States Marshal (Signed by Judge Stephen Smith). Parties notified. (mlerma,) [4:06-mj-00140] (Entered: 03/07/2006)
02/23/2006	<u>19</u>	Minute Entry for proceedings held before Judge Stephen Smith :INITIAL APPEARANCE as to Bonifacio Hernandez, Juan Escobar, Leon DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Garcia, Jesus Osorio, German Arias,(Deft informed of rights) held on 2/23/2006 Appearances:P. Mason AUSA.(ERO:Yes) (Interpreter:Yes) Deft remanded to USM , filed. (mlerma,) [4:06-mj-00140] (Entered: 03/07/2006)
02/23/2006	<u>4</u>	CJA 20 as to Sugentino Percel: Appointment of Attorney Larry Chris Iles for Sugentino Percel (Signed by Judge Stephen Smith). Parties notified. (mlerma,) [4:06-mj-00140] (Entered: 02/27/2006)
02/28/2006	<u>20</u>	Minute Entry for proceedings held before Judge Frances H Stacy :DETENTION HEARING as to Bonifacio Hernandez, Juan Escobar, Leon DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Garcia, Jesus Osorio, German Arias held on 2/28/2006 Appearances:P. Mason AUSA.

		David Adler, Thomas J Bevans, Jose Gonzales, Ivan De Victoria, J. Friesell, D. Gerson,A. Williams, and H. Gonzales.(ERO:Yes) (Interpreter:Yes) Deft remanded to USM , filed.(mlerma,) [4:06-mj-00140] (Entered: 03/07/2006)
03/01/2006	<u>21</u>	ORDER OF DETENTION PENDING Trial as to Bonifacio Hernandez, Juan Escobar, Leon DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Garcia, Jesus Osorio, German Arias .(Signed by Judge Frances H Stacy). Parties notified. (mlerma,) [4:06-mj-00140] (Entered: 03/07/2006)
03/21/2006	<u>22</u>	INDICTMENT (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Bonifacio Hernandez (1) count(s) 1, 2, Juan Antonio Escobar (2) count(s) 1, 2, Leon Baldomero DeLeon (3) count(s) 1, 2, Sugentino Percel (4) count(s) 1, 2, Eric Vasquez (5) count(s) 1, 2, Leonardo Arcemio Garcia (6) count(s) 1, 2, Jesus Alejandro Osorio (7) count(s) 1, 2, German Arias (8) count(s) 1, 2, filed. (ncavazos,) (Entered: 03/22/2006)
03/21/2006	<u>26</u>	AO 257 Information Sheet as to Sugentino Percel, filed.(ncavazos,) (Entered: 03/22/2006)
03/21/2006	<u>31</u>	US Attys Criminal Docket Sheet as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias, filed. (ncavazos,) (Entered: 03/22/2006)
03/21/2006	<u>35</u>	ORDER for Issuance of Notice of Indictment as to Sugentino Percel Arraignment set for 03/29/06 @ 10:00 a.m.(Signed by Judge Calvin Botley). Parties notified. (ncavazos,) (Entered: 03/22/2006)
03/22/2006		Set/Reset Hearings as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias: Arraignment set for 3/29/2006 at 10:00 AM before Magistrate Judge Frances H Stacy..... (ncavazos,) (Entered: 03/22/2006)
03/29/2006	<u>42</u>	SCHEDULING ORDER as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias. ETT:5 days: Speedy Trial Limits Waived? No: Dispositive Motion Filing due by 4/18/2006. Responses due by 4/28/2006. Pretrial Conference set for 5/12/2006 at 10:00 AM in Courtroom 9C before Judge Melinda Harmon. Proposed Voir Dire due by 5/12/2006. Jury Trial set for 5/22/2006 at 09:00 AM in Courtroom 9C before Judge Melinda Harmon(Signed by Judge Frances H Stacy). Parties notified. (jmarshand,) (Entered: 03/31/2006)
03/30/2006	<u>41</u>	Minute Entry for proceedings held before Judge Frances H Stacy :ARRAIGNMENT as to Bonifacio Hernandez (1) Count 1,2 and Juan Antonio Escobar (2) Count 1,2 and Leon Baldomero DeLeon (3) Count 1,2 and Sugentino Percel (4) Count 1,2 and Eric Vasquez (5) Count 1,2 and Leonardo Arcemio Garcia (6) Count 1,2 and Jesus Alejandro Osorio (7) Count 1,2 and German Arias (8) Count 1,2 held on 3/30/2006. Not Guilty on all. Appearances:Eric Smith for Peter Mason; Reginaldo Villalon for

		Andrew Williams; Ivan Lopez Victoria, David Adler, Thomas J Bevans, John Riley Friesell, Harry Gonzales, Jose Gonzales, Feroz Farook Merchant.(ERO:Yes) (Interpreter:Yes - For 1, 3, 4, 5, 7, 8) Defts remanded to custody , filed.(jmarchand,) Modified on 3/31/2006 (jmarchand,). (Entered: 03/31/2006)
03/30/2006		Attorney update in case as to Sugentino Percel. Attorney Ivan R Lopez de Victoria for Sugentino Percel added. Attorney Larry Chris Iles terminated. (jmarchand,) (Entered: 03/31/2006)
04/07/2006	<u>378</u>	TRANSCRIPT as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias re: Preliminary/Detention Hearing held on 2/28/2006 before Judge Frances Stacy. Court Reporter: ERO. Transcript is available for viewing in the office of the clerk, filed. (Attachments: # <u>1</u> Continuation) (kosborne,) (Entered: 08/03/2007)
04/21/2006	<u>73</u>	MOTION for Informant Information by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>74</u>	MOTION to Discover Criminal Records of Witnesses by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>75</u>	MOTION for Disclosure of Impeaching Information by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>76</u>	MOTION to Require Government to Disclosure Immunity, Leniency and Other Agreements Concerning Government Witnesses by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(sguevara,) (Entered: 04/21/2006)
04/21/2006	<u>77</u>	Request for Voir Dire Questions as to Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>78</u>	MOTION for Disclosure of Electronic or Other Surveillance by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(sguevara,) (Entered: 04/21/2006)
04/21/2006	<u>79</u>	MOTION For Identification and Equal Access to Government Informant-Witnesses for Interview by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>80</u>	MOTION for Disclosure of Exculpatory Material by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(sguevara,) (Entered: 04/21/2006)
04/21/2006	<u>81</u>	MOTION for Early Disclosure of Jencks Act Material by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>82</u>	MOTION for Discovery and Inspection of Evidence by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(ghassan,) (Entered: 04/21/2006)
04/21/2006	<u>83</u>	MOTION for Extension of Time to File Motions and MOTION to Continue Pre-Trial and Trial by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(sguevara,) (Entered: 04/21/2006)
04/28/2006	<u>85</u>	MOTION for Extension of Time to File Motions and Responses by USA as

		to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias, filed. (Attachments: # <u>1</u> Proposed Order) (Mason, Peter) (Entered: 04/28/2006)
05/04/2006	<u>90</u>	NOTICE OF RESETTING as to Sugentino Percel. ... Pretrial Conference RESET for 5/12/2006 at 09:00 AM in Courtroom 9C before Judge Melinda Harmon..., filed. TIME CHANGE ONLY (espencer,) (Entered: 05/04/2006)
05/12/2006	95	Minute Entry for proceedings held before Judge Melinda Harmon :PRETRIAL CONFERENCE as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias held on 5/12/2006. Motion for Continuance GRANTED. Pretrial Conference is set 7/7/06 at 10:00 a.m.. Trial is RESET to 07/17/06 at 9:00 a.m.. Speedy Trial waived. Defendants present. Appearances: David Adler, Thomas J Bevans, John Riley Friesell, Jose Gonzales, Lazaro Jose Izaguirre, Ivan R Lopez de Victoria, Peter R Mason, Feroz Farook Merchant, Andrew J Williams.(Court Reporter: Fred Warner) (Interpreter:Yes) Defts remanded to Custody , filed.(espencer,) (Entered: 05/12/2006)
05/12/2006	<u>96</u>	ORDER granting <u>83</u> MOTION for Extension of Time to File Motions MOTION to Continue Pre-Trial and Trial as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias Motions Filing due by 6/2/2006. Response to Motion due by 6/16/2006. Jury Selection set for 7/17/2006 at 09:00 AM in Courtroom 9C before Judge Melinda Harmon. Pretrial Conference set for 7/7/2006 at 10:00 AM in Courtroom 9C before Judge Melinda Harmon.(Signed by Judge Melinda Harmon). Parties notified. (espencer,) (Entered: 05/12/2006)
05/12/2006	<u>97</u>	ORDER TO CONTINUE - Ends of Justice as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias Time excluded from 5/24/06 until Commencement of Trial or other dispositoin of charges. (Signed by Judge Melinda Harmon). Parties notified. (espencer,) (Entered: 05/12/2006)
07/07/2006	116	Minute Entry for proceedings held before Judge Melinda Harmon :PRETRIAL CONFERENCE as to Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio held on 7/7/2006. Defts present. Hearing held on pretrial matters. Deft #2's Unopposed Mtn to Continue is GRANTED. Final pretrial conference is set 09/15/06 at 10:00 a.m. Jury Selection and Trial is RESET to 09/18/06 at 9:00 a.m. Defts Deleon (3) and Garcia (6) announce ready to plead. The Court will proceed directly to a Rearraignment for Defts 3 and 6. Appearances: John Riley Friesell, Jose Gonzales, Ivan R Lopez de Victoria, Peter R Mason, Feroz Farook Merchant, Gerardo S Montalvo, Lance Hac Nguyen.(Court Reporter: Cher Barron, Houston Interpreter) Deft remanded to custody , filed.(htippen,)

		(Entered: 07/07/2006)
07/07/2006	<u>118</u>	ORDER granting 113 MOTION to Continue Docket Control Order MOTION Entry of Superseding Docket Control Order re <u>42</u> Scheduling Order, Deft (2) Juan Escobar's 113 , MOTION to Continue Docket Control Order MOTION Entry of Superseding Docket Control Order re <u>42</u> Scheduling Order is GRANTED. Deadling for filing pretrial motions is 08/18/06, Responses by 09/08/06, Final PTC 09/15/06 at 10:00 a.m., Jury Selection and Trial is RESET to 09/18/06 at 9:00 a.m., as to Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, Motions terminated as to Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio: 113 MOTION to Continue Docket Control Order MOTION Entry of Superseding Docket Control Order re <u>42</u> Scheduling Order,, MOTION to Continue Docket Control Order MOTION Entry of Superseding Docket Control Order re <u>42</u> Scheduling Order,, filed by Juan Antonio Escobar,. . Jury Trial set for 9/18/2006 at 09:00 AM in Courtroom 9C before Judge Melinda Harmon.. Pretrial Conference set for 9/15/2006 at 10:00 AM in Courtroom 9C before Judge Melinda Harmon...(Signed by Judge Melinda Harmon). Parties notified. (htippen,) Modified on 7/10/2006 (htippen,). (Entered: 07/10/2006)
09/08/2006	<u>132</u>	Joint MOTION to Continue Trial by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Attachments: # <u>1</u> Proposed Order)(Mason, Peter) (Entered: 09/08/2006)
09/08/2006	<u>133</u>	RESPONSE in Opposition by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio re 52 Unopposed MOTION in Limine, 67 MOTION for Transcript of Grand Jury Minutes, 50 Unopposed MOTION for Bill of Particulars, <u>73</u> MOTION for Identification of Informant, 64 MOTION for Agents to Retain Notes, 54 Unopposed MOTION for Rule 12(d) Designation, 55 Unopposed MOTION for Extension of Time to File <i>ADDITIONAL PRE-TRIAL MOTIONS</i> ADDITIONAL MOTIONS, 66 MOTION for Jencks Act Material, <u>80</u> MOTION for Disclosure, 63 MOTION to Adopt Motions of Other Defendants, <u>83</u> MOTION for Extension of Time to File Motions MOTION to Continue Pre-Trial and Trial, 68 MOTION to Compel <i>Disclosure of Electronic Surveillance or Interception</i> , <u>76</u> MOTION Require Government to Disclosure Immunity, Leniency and Other Agreements Concerning Government Witnesses, <u>78</u> MOTION for Disclosure, <u>81</u> MOTION for Jencks Act Material, <u>82</u> MOTION for Discovery, <u>74</u> MOTION to Discover Criminal Records of Witnesses, 65 MOTION for Bill of Particulars, 49 Unopposed MOTION to Adopt Motions of Other Defendants, 53 MOTION for Jencks Act Material, 123 MOTION for Discovery, 70 MOTION for Discovery MOTION for Inspection of Items of Evidence, 51 Unopposed MOTION for Discovery <i>RULE 16</i> , 69 MOTION to Adopt Motions of Other Defendants, <u>79</u> MOTION For Identification and Equal Access to Government Informant-Witnesses for Interview, <u>75</u> MOTION for Disclosure, filed. (Attachments: # <u>1</u> Proposed Order)(Mason, Peter) (Entered: 09/08/2006)

09/08/2006	<u>136</u>	MOTION for Reciprocal Discovery by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Attachments: # <u>1</u> Proposed Order)(Mason, Peter) (Entered: 09/08/2006)
09/15/2006	<u>139</u>	Minute Entry for proceedings held before Judge Melinda Harmon :PRETRIAL CONFERENCE as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 9/15/2006. Defendants' Joint Motion to Continue is Granted. Pretrial Conference set November 3, 2006 at 10:00 a.m.. Jury Trial is RESET to November 13, 2006 at 9:00 a.m. Appearances: John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Gerardo S Montalvo, Lance Hac Nguyen. Defendants present(Court Reporter: Gayle Dye) (Interpreter:Yes) Deft remanded to Custody , filed.(espencer,) (Entered: 09/15/2006)
09/15/2006	<u>140</u>	ORDER granted <u>132</u> Joint MOTION to Continue Trial as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio - pretrail conference is reset for November 3, 2006 @ 10:00 a.m. and trial date is reset for November 13, 2006 @ 9:00 a.m.(Signed by Judge Melinda Harmon). Parties notified. (ncavazos,) (Entered: 09/19/2006)
11/02/2006	<u>145</u>	Proposed Jury Instructions by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/02/2006)
11/02/2006	<u>146</u>	Proposed Voir Dire by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/02/2006)
11/02/2006	<u>147</u>	EXHIBIT LIST by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/02/2006)
11/02/2006	<u>149</u>	NOTICE of of Intent to Use Expert Witnesses by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/02/2006)
11/02/2006	<u>150</u>	NOTICE of of Intent to Utilize LR55.2 by USA as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Mason, Peter) (Entered: 11/02/2006)
11/03/2006	<u>156</u>	Minute Entry for proceedings held before Judge Melinda Harmon :PRETRIAL CONFERENCE as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/3/2006. Parties are ready for trial. Suppression hearing scheduled 11/13/06 at 1:30 p.m. Appearances: John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Gerardo S Montalvo, Lance Hac Nguyen.(Court Reporter: Fred Warner, Interpreter: Jorge Williams) Deft remanded to custody , filed. (htippen,) (Entered: 11/03/2006)
11/03/2006	<u>158</u>	NOTICE OF SETTING as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio. Suppression Hearing set for 11/13/2006 at 01:30 PM in Courtroom 9C before Judge Melinda Harmon, filed. (htippen,) (Entered: 11/03/2006)

11/06/2006	<u>162</u>	NOTICE of Intent to Introduce Evidence Under Rule 404(b) and 609 by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/06/2006)
11/09/2006	<u>163</u>	NOTICE OF RESETTING as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio. Suppression Hearing set for 11/13/06 is RESET to 11/14/2006 at 01:30 PM in Courtroom 9C before Judge Melinda Harmon, filed. (htippen,) (Entered: 11/09/2006)
11/14/2006	<u>164</u>	EXHIBIT LIST by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/14/2006)
11/14/2006	<u>166</u>	EXHIBIT LIST by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (Mason, Peter) (Entered: 11/14/2006)
11/14/2006	<u>172</u>	Minute Entry for proceedings held before Judge Melinda Harmon :SUPPRESSION HEARING as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/14/2006. Defts present. Hearing held on Deft Osorio's (7) motion to suppress 126 Opening statements. Govt's case begins. Govt. Witnesses: 1) Craig Corneilus. Exhibits admitted. Govt rests. Deft Osorio rests. Mtn to Suppress is DENIED. Admitted exhibits ordered withdrawn. Jury selection and trial set for defts 3, 4, & 7 on 11/15/06 at 9:00 a.m. Appearances: John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Lance Hac Nguyen.(Court Reporter: Anita Manley) (Interpreter:yes) Deft remanded to custody , filed.(htippen,) (Entered: 11/15/2006)
11/14/2006	<u>176</u>	Witness List by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed.(chorace,) (Entered: 11/16/2006)
11/14/2006	<u>177</u>	EXHIBIT LIST FOR SUPPRESSION HEARING by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (chorace,) Modified on 11/16/2006 (htippen,). (Entered: 11/16/2006)
11/15/2006	<u>175</u>	Minute Entry for proceedings held before Judge Melinda Harmon : FIRST DAY OF JURY TRIAL as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/15/2006. Defts present. Trial begins. Voir dire. Jury selected sworn and instructed. Openind statements. Govt's case begins. Witnesses: 1) Craid Cornelius. Jurors instructed and released for the day. Trial adjourned until 11/16/06 at 9:00 a.m. Appearances:Stuart Burns. John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Lance Hac Nguyen.(Court Reporter: Anita Manley) (Interpreter:yes) Deft remanded to custody , filed.(htippen,) (Entered: 11/15/2006)
11/16/2006	<u>182</u>	Minute Entry for proceedings held before Judge Melinda Harmon : SECOND DAY OF JURY TRIAL as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/16/2006. Defts present. Trial continues. Govt's case continues. Witnesses: 1) Derek Sanders 2) Claudia Busby 3) Galdomero DeLeon 4) Will Kelly 5) German Arias. Jurors instructed and released for the day. Trial adjourned until 11/17/07 at 10:00 a.m. Appearances:Stuart Burns. John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Lance Hac Nguyen.(Court Reporter: Anita Manley) (Interpreter:yes) Deft remanded to custody , filed.(htippen,) (Entered: 11/16/2006)

		11/16/2006)
11/16/2006	<u>185</u>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Sugentino Percel. PSI Completion due by 2/2/2007. Objection to PSI due by 2/16/2007 Final PSI due by 3/2/2007 Sentencing set for 3/16/2007 at 10:00 AM in Courtroom 9C before Judge Melinda Harmon.(Signed by Judge Melinda Harmon). Parties notified. (bjam,) Modified on 11/21/2006 (bjam,). (Entered: 11/21/2006)
11/17/2006	<u>183</u>	Minute Entry for proceedings held before Judge Melinda Harmon : THIRD DAY OF JURY TRIAL as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/17/2006. Jury Trial cont. Govt's case cont. Witnesses: James Wright. Govt rests. Defts' oral mtns for judgment of acquittal - DENIED. Deft Percel's case begins. Witnesses: Percel for self. Deft Percel rests. Deft Vasquez's case begins. Witnesses: 1) Rosanna Peralta. Deft. Vasquez rests. Jurors instructed and released. Trial adjourned until 11/20/06 at 9:00 a.m. Appearances:Stuart Burns. John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Lance Hac Nguyen.(Court Reporter: Anita Manley) Deft remanded to custody , filed.(htippen,) (Entered: 11/20/2006)
11/20/2006	<u>184</u>	Minute Entry for proceedings held before Judge Melinda Harmon : FOURTH DAY OF JURY TRIAL as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio held on 11/20/2006. Trial continues. Deft Osorio's case begins. Witnesses: 1) Robert Boswell 2) Craig Cornelius. Deft rests. Outside the presence of the jury Deft Osorio advises that he does not want to testify in his own behalf. Defts' renewed Mtn to Acquit is DENIED. Charge Conference. Court's Charge to the jury. Closing arguments. Deliberations begin. Jury Note #1 - VERDICT. Verdict read into the record. Defts 4, 5, & 7 Guilty on cts 1 and 2. Jury Polled and excused. Sentencing is set 03/16/07. Trial ends. Appearances:Stuart Burns. John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason, Lance Hac Nguyen.(Court Reporter: Anita Manley) (Interpreter:yes) Deft remanded to custody , filed. (htippen,) (Entered: 11/20/2006)
11/20/2006	<u>187</u>	Certificate of Exhibits to the Jury as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (kettac,) (Entered: 11/21/2006)
11/20/2006	<u>188</u>	ORDER as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio (Signed by Judge Melinda Harmon). Parties notified. (kettac,) (Entered: 11/21/2006)
11/20/2006	<u>189</u>	Deft's Receipt for Withdrawal of Exhibits as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed.(bjam,) (Entered: 11/21/2006)
11/20/2006	<u>190</u>	RECEIPT FOR WITHDRAWAL OF EXHIBITS by USA as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio , filed. (kettac,) (Entered: 11/21/2006)
11/20/2006	<u>193</u>	JURY VERDICT as to Sugentino Percel (4) Guilty on Count 1,2, filed. (kettac,) Additional attachment(s) added on 11/21/2006 (kettac,). (Entered: 11/21/2006)

11/20/2006	<u>196</u>	Court's Instruction to the Jury as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio, filed. (kettac,) (Entered: 11/21/2006)
11/21/2006	<u>197</u>	MEMORANDUM AND ORDER ON RULE 404(b) Evidence as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio. Defendants' oral motion in limine to exclude the evidence against defendants, as proffered by the government pursuant to Rule 404(b) is hereby DENIED.(Signed by Judge Melinda Harmon). Parties notified. (kmurphy,) (Entered: 11/22/2006)
11/22/2006	<u>198</u>	MAIL RETURNED UNDELIVERABLE re: <u>163</u> sent to Jose Gonzales, filed. (nochsner,) (Entered: 11/24/2006)
12/04/2006	<u>199</u>	MAIL RETURNED UNDELIVERABLE sent to Jose Gonzales re: 170 . Mr. Gonzalez has moved and is no longer at the address listed on the docket sheet (Attachments: # <u>1</u> # <u>2</u> Envelope) (bcampos,) (Entered: 12/04/2006)
12/14/2006	<u>200</u>	MOTION to Substitute Attorney Steven Jay Rozan, Steven Jay Rozan, Steven Jay Rozan by Sugentino Percel, filed. (Rozan, Steven) (Entered: 12/14/2006)
12/19/2006	<u>204</u>	RESPONSE by USA as to Sugentino Percel, Eric Vasquez re 201 MOTION to Substitute Attorney Steven Jay Rozan, Steven Jay Rozan, Steven Jay Rozan, <u>200</u> MOTION to Substitute Attorney Steven Jay Rozan, Steven Jay Rozan, Steven Jay Rozan <i>and Motion for Garcia Hearing</i> , filed. (Attachments: # <u>1</u> Proposed Order)(Mason, Peter) (Entered: 12/19/2006)
12/20/2006	<u>205</u>	ORDER re: <u>200</u> Motion, 201 Motion, <u>204</u> Response, as to Sugentino Percel, Eric Vasquez. Garcia Hearing set for 1/5/2007 at 02:00 PM in Courtroom 9C before Judge Melinda Harmon.(Signed by Judge Melinda Harmon). Parties notified. (htippen,) (Entered: 12/20/2006)
01/02/2007	<u>206</u>	WAIVER of Conflict by Sugentino Percel, filed.(ejuaquez,) (Entered: 01/02/2007)
01/05/2007	208	Minute Entry for proceedings held before Judge Melinda Harmon :HEARING re: Motions for Substitution of Counsel <u>200</u> , 201 as to Sugentino Percel, Eric Vasquez held on 1/5/2007. Defendants present. Motions for Substitution are GRANTED as stated on the record. Appearances:Steven Rozan. John Riley Friesell, Ivan R Lopez de Victoria, Peter R Mason.(Court Reporter: Ed Reed) (Interpreter: Jorge Williams) Deft remanded to Custody, filed.(chorace,) (Entered: 01/05/2007)
01/05/2007	<u>209</u>	ORDER granting <u>200</u> MOTION to Substitute Attorney Steven Jay Rozan, Steven Jay Rozan, Steven Jay Rozan as to Sugentino Percel, Added attorney Steven Jay Rozan for Sugentino Percel. Attorney Ivan R Lopez de Victoria terminated in case as to Steven Jay Rozan., Motions terminated <u>200</u> MOTION to Substitute Attorney Steven Jay Rozan, Steven Jay Rozan, Steven Jay Rozan filed by Sugentino Percel. (Signed by Judge Melinda Harmon). Parties notified. (htippen,) (Entered: 01/05/2007)
02/28/2007	<u>242</u>	SEALED DOCUMENT, filed. (Mason, Peter) (Entered: 02/28/2007)
02/28/2007	<u>260</u>	MAIL RETURNED UNDELIVERABLE re: 228 sent to Jose Gonzales as

		to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias, filed. (mmar,) (Entered: 03/08/2007)
03/07/2007	<u>256</u>	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Sugentino Percel, filed. (echavez,) (Entered: 03/07/2007)
03/07/2007	<u>257</u>	CONFIDENTIAL SENTENCING RECOMMENDATION (Sealed) regarding Sugentino Percel, filed. (echavez,) (Entered: 03/07/2007)
03/07/2007	<u>258</u>	SEALED ADDENDUM to <u>256</u> Final Presentence Investigation Report (SEALED) as to Sugentino Percel, filed. (echavez,) (Entered: 03/07/2007)
03/10/2007	<u>265</u>	MOTION to Continue SENTENCING by Sugentino Percel, filed. (Rozan, Steven) (Entered: 03/10/2007)
03/13/2007	<u>276</u>	ORDER ON MOTIONS FOR CONTINUANCE OF SENTENCING denying <u>265</u> Motion to Continue as to Sugentino Percel (4) denying <u>266</u> Motion to Continue as to Eric Vasquez. It is ORDERED that the motions to continue the sentencing of Sugentino Percel and Eric Vasquez are hereby DENIED. Signed by Judge Melinda Harmon.) Parties notified.(htippen,) (Entered: 03/13/2007)
03/15/2007	<u>279</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT (SEALED) by Sugentino Percel, filed. (Rozan, Steven) (Entered: 03/15/2007)
03/16/2007	281	Minute Entry for proceedings held before Judge Melinda Harmon : Sentencing held on 3/16/2007 for Sugentino Percel (4), 1, 2, Deft is committed to the custody of the BOP to be imprisoned for a term of 151 months as to each of cts 1 & 2, concurrent; 5 yrs Supervised Release as to each of cts 1 & 2, concurrent; \$200.00 Special Assessment; \$17,500.00 Fine. Right to appeal explained on the record.; Sentencing held on 03/16/07 for Eric Vasquez (5), 1, 2, Deft is committed to the custody of the BOP to be imprisoned for a term of 151 months as to each of ct 1 and ct 2, concurrent; 5 yrs Supervised Release as to each of cts 1 & 2, concurrent; \$200.00 Special Assessment; \$17,500.00 Fine. Right to appeal explained on the record. Appearances: Peter R Mason, Steven Jay Rozan.(Court Reporter: Fred Warner, Interpreter: yes, USPO: Mitch Ott, Hugo Renteria) Defts remanded to custody, filed.(htippen,) Modified on 3/19/2007 (htippen,). (Entered: 03/16/2007)
03/21/2007	<u>286</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Sugentino Percel re 281 Sentencing (Filing fee \$ 455), filed. (cpeebles,) (Entered: 03/22/2007)
03/23/2007	<u>295</u>	Notice to the Circuit of an Appeal to US Court of Appeals for the Fifth Circuit as to Sugentino Percel. DKT13 transcript order form WAS mailed to appellant 6 copies. Fee status: NOT PAID. The following Notice of Appeal and related motions are pending in the District Court: <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(jbradford,) (Entered: 03/23/2007)
03/27/2007	<u>302</u>	JUDGMENT as to Sugentino Percel (Signed by Judge Melinda Harmon)

		Parties notified. (esmith,) (Entered: 03/28/2007)
03/27/2007	<u>303</u>	STATEMENT OF REASONS (Sealed) as to Sugentino Percel, filed. (esmith,) (Entered: 03/28/2007)
03/28/2007	<u>310</u>	TRANSCRIPT ORDER FORM by Sugentino Percel. This is to order a transcript of Suppression Hrg, Jury Trial, Sentencing held on 11/14/06,11/15/06 to 11/20/06, 3/16/07 before Judge Melinda Harmon. Court Reporter: Anita Manley. This order form relates to the following: <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(ltrevino,) (Entered: 04/02/2007)
04/04/2007	<u>314</u>	Notice of Assignment of USCA No. 07-20236 as to Sugentino Percel re: <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(sguevara,) (Entered: 04/05/2007)
04/17/2007	<u>329</u>	Notice of Non-Compliance as to Sugentino Percel. Filing Fee. Party ntfd,filed. (jbradford,) (Entered: 04/17/2007)
04/26/2007		USCA Appeal Fees received \$ 455.00, receipt number 4-581070 as to Sugentino Percel re <u>286</u> Notice of Appeal - Judgment and Sentence,filed. (ejones,)Paid by Steven Ray Rozan (Entered: 04/26/2007)
05/04/2007	<u>339</u>	Entry of Dismissal of USCA for the Fifth Circuit (certified copy) as to Sugentino Percel, Eric Vasquez dated 4/25/07 re: <u>286</u> Notice of Appeal - Judgment and Sentence, 285 Notice of Appeal - Judgment and Sentence ; USCA No. 07-20236. Appeal is dismissed for want of prosecution, failure to timely pay docketing fee, filed.(ddar,) (Entered: 05/16/2007)
06/01/2007	<u>345</u>	Filing and docketing fees for <u>286</u> Notice of Appeal - Judgment and Sentence have NOT been paid. Check returned NSF.,filed.(jdav,) (Entered: 06/01/2007)
06/15/2007	<u>348</u>	LETTER as to Sugentino Percel re: inquiring about court reporter who transcribed trial, filed. (mmapps,) Mail copy of docket sheet. (Entered: 06/15/2007)
07/05/2007		USCA Appeal Fees received \$ 455, receipt number 583009 as to Sugentino Percel REPLACES NSF CHECK PREVIOUSLY DOCKETED. re <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(agould,) (Entered: 07/05/2007)
07/18/2007	<u>372</u>	DKT-13 TRANSCRIPT ORDER FORM by Sugentino Percel, Eric Vasquez. This is to order a transcript of Sentencing held on 3/16/07 before Judge Melinda Harmon. Court Reporter: Fred Warner. This order form relates to the following: <u>286</u> Notice of Appeal - Judgment and Sentence, 285 Notice of Appeal - Judgment and Sentence,filed.(rvazquez,) (Entered: 07/19/2007)
07/18/2007	<u>373</u>	DKT-13 TRANSCRIPT ORDER FORM by Sugentino Percel, Eric Vasquez. This is to order a transcript of: Suppression Hearing, Complete Jury Trial held on 11/14/2006, 11/15/2006 to 11/20/2006 before Judge Melinda Harmon. Court Reporter: Anita Manley. This order form relates to the following: <u>286</u> Notice of Appeal - Judgment and Sentence, 285 Notice

		of Appeal - Judgment and Sentence,filed.(kosborne,) (Entered: 07/19/2007)
07/19/2007	<u>374</u>	LETTER as to Sugentino Percel re: copy request., filed. Copy of the docket sheet was previously mailed per docket# <u>348</u> . Mailed defendant copy request form. (jegonzalez,) (Entered: 07/19/2007)
07/20/2007	<u>375</u>	ORDER of USCA for the Fifth Circuit (copy) as to Sugentino Percel dated 7/16/2007 re: <u>286</u> Notice of Appeal - Judgment and Sentence ; USCA No. 07-20236. Court has GRANTED Motion to Reinstate the Appeal,filed. (blacy,) (Entered: 07/23/2007)
07/24/2007	<u>376</u>	APPEAL TRANSCRIPT as to Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio re: Pretrial Conference And Rearraignment held on 7/7/2006 before Judge Melinda Harmon. Court Reporter: Cheryl K Barron. This transcript relates to the following: 305 Notice of Appeal - Judgment and Sentence, 351 Notice of Appeal - Amended, <u>286</u> Notice of Appeal - Judgment and Sentence, 349 Notice of Appeal - Judgment and Sentence. Transcript is available for viewing in the office of the clerk,filed.(blacy,) (Entered: 07/25/2007)
08/02/2007	<u>379</u>	NOTICE of Change of Address as to Sugentino Percel., filed.(kosborne,) (Entered: 08/03/2007)
08/06/2007	<u>381</u>	APPEAL TRANSCRIPT as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio re: Pretrial Conference held on September 15, 2006 before Judge Melinda Harmon. Court Reporter: Gayle L. Dye. Transcript is available for viewing in the office of the clerk, filed. (ltrevino,) Modified on 8/14/2007 (espencer,). (Entered: 08/06/2007)
09/05/2007	<u>384</u>	APPEAL TRANSCRIPT as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio re: Supression Hearing held on 11/14/2006 before Judge Melinda Harmon. Court Reporter: Anita Manley. This transcript relates to the following: <u>286</u> Notice of Appeal - Judgment and Sentence, 349 Notice of Appeal - Judgment and Sentence. Transcript is available for viewing in the office of the clerk,filed.(kosborne,) (Entered: 09/07/2007)
09/05/2007	<u>385</u>	APPEAL TRANSCRIPT (four volumes) as to Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio re: Transcript of Trial held on 11/15/2006, 11/16/2006, 11/17/2006 and 11/20/2006 before Judge Melinda Harmon. Court Reporter: Anita Manley. This transcript relates to the following: 364 Transcript Order Form - DKT-13, 351 Notice of Appeal - Amended, <u>373</u> Transcript Order Form - DKT-13, <u>286</u> Notice of Appeal - Judgment and Sentence, 368 Transcript Order Form - DKT-13,. Transcript is available for viewing in the office of the clerk,filed. (Attachments: # <u>1</u> Continuation Volumen 2 of 4# <u>2</u> Continuation Volume 3 of 4# <u>3</u> Continuation Volume 4 of 4)(kosborne,) Modified on 11/9/2007 (hler,). (Entered: 09/07/2007)
10/02/2007	<u>386</u>	TRANSCRIPT as to Juan Antonio Escobar, Sugentino Percel, Eric Vasquez, Jesus Alejandro Osorio re: Pretrial Conference held on November 3, 2006 before Judge Melinda Harmon. Court Reporter: FWarner. Transcript is available for viewing in the office of the clerk, filed.

		(fwarner,) (Entered: 10/02/2007)
10/02/2007	<u>387</u>	TRANSCRIPT as to Bonifacio Hernandez, Juan Antonio Escobar, Leon Baldomero DeLeon, Sugentino Percel, Eric Vasquez, Leonardo Arcemio Garcia, Jesus Alejandro Osorio, German Arias re: Pretrial Conference held on May 12, 2006 before Judge Melinda Harmon. Court Reporter: F Warner. Transcript is available for viewing in the office of the clerk, filed. (fwarner,) (Entered: 10/02/2007)
12/15/2007	<u>397</u>	TRANSCRIPT as to Sugentino Percel, Eric Vasquez re: SENTENCINGS held on March 16, 2007 before Judge Harmon. Court Reporter: Fwarner. Transcript is available for viewing in the office of the clerk, filed. (fwarner,) (Entered: 12/15/2007)
01/02/2008	<u>400</u>	LETTER as to Sugentino Percel requesting Copies of Transcripts, filed. Copy order form w/page count and amount due forwarded to Percel. (dhays,) (Entered: 01/04/2008)
01/24/2008		Electronic record on appeal certified to Fifth Circuit Court of Appeals as to Sugentino Percel re: <u>314</u> USCA Case Number, <u>286</u> Notice of Appeal - Judgment and Sentence. USCA No. 07-20236,filed.(dpower,) (Entered: 01/25/2008)
02/04/2008	<u>401</u>	Transmittal Letter on Appeal Certified re: <u>286</u> Notice of Appeal - Judgment and Sentence. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals. (USCA No. 07-20236),filed.(dpower,) (Entered: 02/04/2008)
02/04/2008	<u>402</u>	Transmittal Letter on Appeal Certified re: <u>286</u> Notice of Appeal - Judgment and Sentence. CDs containing the electronic record are being sent to Steven Jay Rozan & James Turner. (USCA No. 07-20236),filed.(dpower,) (Entered: 02/04/2008)
03/13/2008	<u>406</u>	DKT-13 TRANSCRIPT ORDER FORM by Sugentino Percel. This is to order a transcript of: Initial Appearance held on 2/23/06 before Judge Stephen Smith. Court Reporter: ERO. This order form relates to the following: <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(ceaton,) (Entered: 03/13/2008)
03/13/2008	<u>407</u>	DKT-13 TRANSCRIPT ORDER FORM by Sugentino Percel. This is to order a transcript of: Detention Hearing held on 2/28/08 before Judge Stacy. Court Reporter: ERO. This order form relates to the following: <u>378</u> Transcript, <u>286</u> Notice of Appeal - Judgment and Sentence,filed.(ceaton,) (Entered: 03/13/2008)
03/13/2008	<u>408</u>	NOTICE of RE: Amount of Payment of Fees for Transcripts re <u>406</u> Transcript Order Form - DKT-13, <u>407</u> Transcript Order Form - DKT-13,, filed.(ceaton,) (Entered: 03/13/2008)
01/20/2009	<u>424</u>	Appeal Record Returned from the USCA Fifth Circuit as to Sugentino Percel re <u>286</u> Notice of Appeal - Judgment and Sentence consisting of 3 Envelopes (Sealed), Copies of Sealed Instruments Shredded. (USCA No:07-20236),filed.(jewilliams,) (Entered: 01/21/2009)

01/20/2009	<u>425</u>	Order of USCA for the Fifth Circuit (certified copy) as to Sugentino Percel dated 12/23/2008 re: <u>286</u> Notice of Appeal - Judgment and Sentence ; USCA No. 07-20236. AFFIRM, filed.(aalonzo,) (Entered: 01/21/2009)
01/20/2009	<u>426</u>	Judgment of USCA for the Fifth Circuit (certified copy) as to Sugentino Percel dated 12/23/2008 issued as mandate 1/14/2007; re: <u>286</u> Notice of Appeal - Judgment and Sentence ; USCA No. 07-20236. Affirmed, filed.(aalonzo,) (Entered: 01/21/2009)
02/17/2009	<u>433</u>	MAIL RETURNED UNDELIVERABLE re: 431 sent to Jose Gonzales as Leon Baldomero DeLeon, filed. Address Updated and Renoticed. (jewilliams,) (Entered: 02/18/2009)
02/26/2009	<u>434</u>	MAIL RETURNED UNDELIVERABLE re: 431 sent to Jose Gonzales, filed. (lfilmore,) (Entered: 02/26/2009)
05/08/2009	<u>442</u>	Supreme Court Court of Appeals LETTER advising The petition for a writ of certiorari is denied as to Sugentino Percel (USCA No. 08-9466), filed. (sguevara,) (Entered: 05/11/2009)
05/15/2009	<u>443</u>	OBJECTIONS TO MAGISTRATE'S MEMORANDUM AND RECOMMENDATION by Juan Antonio Escobar as Juan Antonio Escobar re 437 Order on Motion for Miscellaneous Relief, filed.(sguevara,) Modified on 5/19/2009 (ypippin,). (Entered: 05/18/2009)
06/17/2009	<u>445</u>	MOTION to Alter Judgment, MOTION to Amend Judgment Rule 59(e) (437 Order on Motion for Miscellaneous Relief), by Juan Antonio Escobar, filed. (sguevara,) (Entered: 06/19/2009)
09/14/2009	<u>449</u>	MOTION for New Trial by Sugentino Percel, filed. (jewilliams,) (Entered: 09/15/2009)
09/15/2009	<u>450</u>	MOTION for New Trial pursuant to Rule 33 by Sugentino Percel, filed. (hler,) (Entered: 09/17/2009)
09/25/2009	<u>455</u>	RESPONSE by USA as to Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(Turner, James) (Entered: 09/25/2009)
09/25/2009	<u>456</u>	MOTION to Dismiss by USA as to Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(Turner, James) (Entered: 09/25/2009)
10/09/2009	<u>458</u>	ORDER granting <u>456</u> Govt's Motion to Dismiss Sugentino Percel's Motion For New Trial, as to Sugentino Percel. The Relief under Rule 33 is dismissed without prejudice as untimely. Percel has 45 days to re-file his motion as one for relief under 28 USC Sec. 2255.(Signed by Judge Melinda Harmon.) Parties notified.(htippen,) (Entered: 10/09/2009)
10/14/2009	<u>460</u>	MOTION for Extension of Time to File Reply to Goverbment Opposition to <u>450</u> MOTION for New Trial by Sugentino Percel, filed. (jewilliams,) (Entered: 10/19/2009)
10/28/2009	<u>462</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Sugentino Percel re <u>458</u> Order, (Filing fee \$ 455), filed.(ltien,) (Entered: 10/30/2009)

10/28/2009	<u>463</u>	MOTION for Leave to Appeal In Forma Pauperis by Sugentino Percel, filed. (Itien,) (Entered: 10/30/2009)
10/28/2009	<u>464</u>	REPLY by Sugentino Percel to <u>458</u> Order/Court's intentions to construe Rule 33 Motion for New Trial as a Title 28 USC 2255, filed.(Itien,) (Entered: 10/30/2009)
11/02/2009	<u>465</u>	Notice of the Filing of an Appeal as to Sugentino Percel. DKT13 transcript order form WAS mailed to appellant. Fee status: Not Paid/ IFP Pending. The following Notice of Appeal and related motions are pending in the District Court: <u>463</u> MOTION for Leave to Appeal In Forma Pauperis, <u>462</u> Notice of Appeal - Judgment and Sentence,filed.(blacy,) (Entered: 11/02/2009)
11/02/2009		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>463</u> MOTION for Leave to Appeal In Forma Pauperis (htippen,) (Entered: 11/02/2009)
11/06/2009	<u>466</u>	ORDER granting <u>463</u> Motion for Leave to Appeal In Forma Pauperis as to Sugentino Percel (4).(Signed by Magistrate Judge Frances H Stacy.) Parties notified.(bwhite,) ; order mailed to defendant. (Entered: 11/06/2009)
11/16/2009	<u>469</u>	Notice of Assignment of USCA No. 09-20752 as to Sugentino Percel re: <u>462</u> Notice of Appeal - Judgment and Sentence,filed.(jewilliams,) (Entered: 11/19/2009)
12/18/2009		Electronic record on appeal certified to Fifth Circuit Court of Appeals as to Sugentino Percel re: <u>462</u> Notice of Appeal - Judgment and Sentence. USCA No. 09-20752,filed.(smurdock,) (Entered: 12/18/2009)
12/18/2009	<u>479</u>	Transmittal Letter on Appeal Certified re: <u>462</u> Notice of Appeal - Judgment and Sentence. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals in 3 volumes with transcripts and sealed documents (See list). CDs containing the electronic record are being sent to Steven Jay Rozan. (USCA No. 09-20752 and James L Turner),filed. (smurdock,) (Entered: 12/18/2009)
12/18/2009		Document(s) Sent by UPS # 1Z7262750347716450 to Fifth Circuit re: <u>479</u> Transmittal Letter on Appeal,, filed. (smurdock,) (Entered: 12/18/2009)
12/22/2009		***Delivery Confirmation; delivery date(s) 12/15/2009 re: Document(s) Sent, filed. (kstrouse,) (Entered: 12/22/2009)
12/22/2009	<u>482</u>	Unopposed MOTION to Withdraw as Attorney by Steven Jay Rozan by Sugentino Percel, Eric Vasquez, filed. (Attachments: # <u>1</u> Proposed Order) (Rozan, Steven) (Entered: 12/22/2009)
12/24/2009		***Delivery Confirmation; delivery date(s) December 22, 2009 re: Document(s) Sent, filed. (nochsner) (Entered: 12/24/2009)
12/29/2009	<u>484</u>	ORDER granting <u>482</u> Motion to Withdraw as Attorney. Steven Jay Rozan withdrawn from case as to Sugentino Percel (4), Eric Vasquez (5).(Signed by Judge Melinda Harmon.) Parties notified.(htippen,) (Entered: 12/29/2009)

01/13/2010	<u>486</u>	NOTICE of Receipt of Record on Appeal by US Court of Appeals for the Fifth Circuit as to Sugentino Percel re <u>462</u> Notice of Appeal - Judgment and Sentence filed by Sugentino Percel. USCA Case Number 09-20752.,filed. (sbyrum,) (Entered: 01/15/2010)
02/24/2010	<u>488</u>	LETTER as to Sugentino Percel re: Request for Copy of Docket Sheet, filed. (lfilmore,) (Entered: 02/24/2010)
04/26/2010	<u>499</u>	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1394) by Sugentino Percel, filed. (smurdock,) Modified on 4/27/2010 (smurdock,). (Entered: 04/27/2010)
04/26/2010	<u>500</u>	MEMORANDUM in Support by Sugentino Percel re <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963), filed. (smurdock,) (Entered: 04/27/2010)
05/27/2010	<u>501</u>	ORDER that deft's motion pursuant to 28 USC 2255 was filed It is now hereby ORDERED that the US answer w/in 60 days as to Sugentino Percel, ORDER REFERRING MOTION to Magistrate Judge Frances Stacy as to Sugentino Percel <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963).(Signed by Judge Melinda Harmon) Parties notified. (jegonzalez,) (Entered: 05/28/2010)
07/16/2010	<u>509</u>	JUDGMENT of USCA for the Fifth Circuit (certified copy) as to Sugentino Percel issued as mandate July 14, 2010; re: <u>462</u> Notice of Appeal - Judgment and Sentence ; USCA No. 09-20752. The judgment of the District Court is AFFIRMED.,filed.(jdav,) (Entered: 07/16/2010)
07/16/2010	<u>510</u>	PER CURIAM of USCA for the Fifth Circuit as to Sugentino Percel re: <u>462</u> Notice of Appeal - Judgment and Sentence ; USCA No. 09-20752. The judgment of the district court is AFFIRMED.,filed.(jdav,) (Entered: 07/16/2010)
07/16/2010	<u>511</u>	Fifth Circuit Court of Appeals LETTER advising 6 envelopes of copies of sealed pleadings are being returned to this office and the electronic copy of the record has been recycled as to Sugentino Percel (USCA No. 09-20752),filed.(jdav,) (Entered: 07/16/2010)
07/26/2010	<u>513</u>	MOTION for Extension of Time to File Response/Reply as to <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963), <u>500</u> Memorandum in Support by USA as to Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(Berry, John) (Entered: 07/26/2010)
07/27/2010		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>513</u> MOTION for Extension of Time to File Response/Reply as to <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963), <u>500</u> Memorandum in Support MOTION for Extension of Time to File Response/Reply as to <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963), <u>500</u> Memorandum in Support (htippen,) (Entered: 07/27/2010)
07/27/2010	<u>514</u>	ORDER granting <u>513</u> Motion for Extension of Time to File Response/Reply as to Sugentino Percel (4). Response is due by August 25,

		2010.(Signed by Magistrate Judge Frances H Stacy.) Parties notified. (jewilliams,) (Entered: 07/27/2010)
08/22/2010	<u>518</u>	RESPONSE in Opposition by USA as to Sugentino Percel re <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963), filed. (Berry, John) (Entered: 08/22/2010)
08/30/2010	<u>519</u>	MOTION for Extension of Time to File Response/Reply by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(dgould) (Entered: 08/30/2010)
08/31/2010		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>519</u> MOTION for Extension of Time to File Response/Reply (htippen,) (Entered: 08/31/2010)
09/02/2010	<u>520</u>	ORDER granting <u>519</u> Motion for Extension of Time to File Response/Reply as to Sugentino Percel (4).(Signed by Magistrate Judge Frances H Stacy.) Parties notified.(bwhite,) (Entered: 09/03/2010)
10/06/2010	<u>526</u>	Reply to Oppositon doc <u>518</u> by Sugentino Percel, filed.(lfilmore,) (Entered: 10/06/2010)
11/09/2010	<u>528</u>	The petition for a writ of certiorari filed with the Supreme Court has been denied Court of Appeals number 09-20752 as to Sugentino Percel.,filed. (hler,) (Entered: 11/09/2010)
01/27/2011	<u>530</u>	ORDER as to Sugentino Percel that Attorney Ivan R Lopez de Victoria shall address the issues of ineffective assistance of counsel (copies mailed).(Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite,) (Entered: 01/28/2011)
02/07/2011	<u>531</u>	MAIL RETURNED UNDELIVERABLE re: <u>530</u> sent to Jose Gonzales, filed. (sbyrum,) (Entered: 02/10/2011)
03/02/2011	<u>534</u>	AFFIDAVIT by Sugentino Percel, filed.(Lopez de Victoria, Ivan) (Entered: 03/02/2011)
03/09/2011	<u>535</u>	MOTION for Extension of Time to File Rely to Counsels Affidavit as Per this Court's Request by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order)(dcartmill) (Entered: 03/15/2011)
03/16/2011		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>535</u> MOTION for Extension of Time to File Response/Reply (htippen,) (Entered: 03/16/2011)
03/21/2011	<u>538</u>	ORDER granting <u>535</u> Motion for Extension of Time to File Response/Reply as to Sugentino Percel (4). Petitioner shall have until May 2, 2011 to respond..(Signed by Magistrate Judge Frances H Stacy.) Parties notified.(jdav,) (Entered: 03/22/2011)
05/06/2011	<u>540</u>	MOTION for Leave to File Supplemental Brief by Sugentino Percel, filed. (emathis,) (Entered: 05/09/2011)
05/06/2011	<u>541</u>	Supplemental Brief by Sugentino Percel, filed.(emathis,) (Entered: 05/09/2011)

05/09/2011	<u>542</u>	Sworn AFFIDAVIT of Yohanny Perez by Sugentino Percel, filed. (kgilyard,) (Additional attachment(s) added on 5/9/2011: # <u>1</u> Supplement) (kgilyard,). (Entered: 05/09/2011)
05/10/2011		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>540</u> MOTION for Leave to File Supplemental Brief (htippen,) (Entered: 05/10/2011)
05/19/2011	<u>543</u>	NOTICE of Change of Address as to Sugentino Percel., filed.(saustin,) (Entered: 05/19/2011)
06/13/2011	<u>544</u>	LETTER as to Sugentino Percel re: request for copy of docket sheet, filed. Sent copy of docket sheet. (aboyd) (Entered: 06/13/2011)
09/26/2011	<u>546</u>	Memorandum and Recommendation as to Sugentino Percel.(Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite,) (Entered: 09/27/2011)
10/14/2011	<u>547</u>	MAIL RETURNED UNDELIVERABLE re: <u>546</u> sent to Jose Gonzales as to Sugentino Percel, filed. (glyons) (Entered: 10/14/2011)
10/17/2011	<u>548</u>	Objections by Sugentino Percel re <u>546</u> Magistrate's Report and Recommendation, filed.(aboyd) (Entered: 10/18/2011)
02/23/2012	<u>553</u>	OPINION AND ORDER as to Sugentino Percel RE: <u>499</u> § Motion To Vacate, Because the Court cannot determine that Percel did not receive constitutionally deficient counsel, the Court ORDERS that Sugentino Percel and Percel's former counsel, Ivan Lopez De Victoria appear before the Court for an Evidentiary Hearing set for 3/23/2012 at 01:30 PM in Courtroom 9C before Judge Melinda Harmon to determine validity of Percel's claim that counsel failed to inform him of the plea agreement and the implications of the Federal Sentencing Guidelines. It is further ORDERED that the US Attorney's Office shall provide for the US Marshal's office forms necessary to have defendant Sugentino Percel transported to Houston for the evidentiary hearing. (Signed by Judge Melinda Harmon) Parties notified. (htippen,) (Entered: 02/24/2012)
03/20/2012	<u>554</u>	NOTICE OF RESETTING as to Sugentino Percel. Evidentiary Hearing set for 03/23/12 is RESET to 3/30/2012 at 01:30 PM in Courtroom 9C before Judge Melinda Harmon, filed. (htippen,) (Entered: 03/20/2012)
03/23/2012	<u>555</u>	MOTION for Henry E. Marines to Appear Pro Hac Vice by Sugentino Percel, filed. (Marines, Henry) (Entered: 03/23/2012)
03/27/2012	<u>556</u>	ORDER granting <u>555</u> Motion For Pro Hac Vice admittance of Atty Henry E. Marines, as to Sugentino Percel,.(Signed by Judge Melinda Harmon) Parties notified. (htippen,) (Entered: 03/28/2012)
03/29/2012	<u>557</u>	Unopposed MOTION to Continue Evidentiary Hearing by Sugentino Percel, filed. (Attachments: # <u>1</u> Proposed Order Continue Evidentiary Hearing)(Marines, Henry) (Entered: 03/29/2012)
03/29/2012	<u>558</u>	ORDER as to Sugentino Percel granting <u>557</u> Unopposed MOTION to Continue Evidentiary Hearing (Evidentiary Hearing set for 03/30/12 is

		RESET to 4/27/2012 at 01:30 PM in Courtroom 9C before Judge Melinda Harmon).(Signed by Judge Melinda Harmon) Parties notified. (htippen,) (Entered: 03/29/2012)
04/24/2012	<u>559</u>	WITNESS LIST by Sugentino Percel, filed. (Marines, Henry) (Entered: 04/24/2012)
04/27/2012	<u>560</u>	Minute Entry for proceedings held before Judge Melinda Harmon: EVIDENTIARY HEARING as to Sugentino Percel held on 4/27/2012. Defts case begins. Witnesses: 1) Ivan Lopez de Victoria 2) Yohanny Perez 3) Andres Percel 4) Minelva Percel 5) Sugentino Percel. Closing arguments heard by the court. The court finds the <u>499</u> MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 4:10cv1963) is denied, as stated on the record. Order to issue. Appearances: John Richard Berry, Henry E Marines. (Court Reporter: Dye) (Interpreter:yes) Deft remanded to custody, filed. (arrivera,) (Entered: 04/27/2012)
05/03/2012	<u>561</u>	ORDER granting <u>518</u> Govt's Motion to Dismiss <u>499</u> Motion to Vacate. After hearing the testimony presented by all witnesses the Court agrees that Percel did not receive ineffective assistance of counsel and adopts the Magistrate's Memorandum and Recommendation as its own. (Signed by Judge Melinda Harmon) Parties notified. (htippen,) (Entered: 05/03/2012)
05/04/2012	<u>562</u>	MAIL RETURNED UNDELIVERABLE re: <u>554</u> as to Sugentino Percel, filed. Mailing address updated and document renoticed. (mlothmann) (Entered: 05/04/2012)
05/17/2012	<u>563</u>	MAIL RETURNED UNDELIVERABLE re: <u>561</u> as to Sugentino Percel, filed. Remaild to address currently listed on docket sheet. (pyebnetsky,) (Entered: 05/17/2012)
06/21/2012	<u>564</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Sugentino Percel re <u>561</u> Order, (Filing fee \$ 455),filed.(gkelner,) (Entered: 06/21/2012)
06/21/2012	<u>565</u>	MOTION for Leave to Appeal In Forma Pauperis. COPY OF DOCKET ENTRY <u>564</u> FOR CASE MANAGEMENT PURPOSES. by Sugentino Percel, filed. (gkelner,) (Entered: 06/21/2012)
06/22/2012		MOTIONS as to Sugentino Percel REFERRED to Magistrate Judge Frances Stacy: <u>565</u> MOTION for Leave to Appeal In Forma Pauperis (htippen,) (Entered: 06/22/2012)

CLERK

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 - ☐ **ILLEGIBLE**
 - ☐ **BOX CLOSED**
 - ☐ **VACANT**
 - ☐ **IN DISPUTE**

David J. Bradley, Clerk of Court

JUL 5 2012

United States Courts
Southern District of Texas

David J. Bradley, Clerk of Court

JUL 05 2012